IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

OP.No. 10906 of 2003(W)

PETITIONER:

V.A.IIYAS, S/O.ABDU,
VELIYAVEETTIL HOUSE,
EDAVANAKKAD.

BY ADV. SRI.K.A.SHAMSUDEEN

RESPONDENTS:
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1. STATE OF KERALA, REP. BY THE SECRETARY
TO THE GOVERNMENT, LABOUR & REHABILITATION
DEPARTMENT, THIRUVANANTHAPURAM.

2. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WELFARE
FUND BOARD, PALARIVATTOM,
COCHIN - 682 025.

3. THE DEPUTY TAHASILDAR (RR),
TALUK OFFICE, COCHIN.

4. THE VILLAGE OFFICER,
EDAVANAKKAD.

5. V.A.M.SAGEER, S/O.ABDU,
VALIYAVEETTIL HOUSE,
EDAVANAKKAD.

6. V.A.SAJITH, S/O.ABDU,
VALIYAVEETTIL HOUSE,
EDAVANAKKAD.

7. MAJEED, S/O.MOHAMMED,
CHETTIPARAMBIL HOUSE,
EDAVANAKKAD.

R2 BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD
R1, R3 & R4 BY GOVERNMENT PLEADER SMT. SMITHA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 18706 OF 2003 IN OP 10906 OF 2003

DISMISSED

6.12.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE ORDER DATED 9.3.2000

EXT.P2 TRUE COPY OF THE CERTIFICATE DATED 8.7.2002 ISSUED BY THE VILLAGE OFFICER, EDAVANAKKAD EVIDENCING THE RELATIONSHIP OF THE PETITIONER WITH 5TH AND 6TH RESPONDENTS.

EXT.P3 TRUE COPY OF THE ORDER DATED 13.9.2002

EXT.P4 TRUE COPY OF THE NOTICE DATED 10.3.2003 ISSUED UNDER SECTION 7 OF THE REVENUE RECOVERY ACT.

EXT.P5 TRUE COPY OF NOTICE NO. A2/2430/2003 DATED NIL ISSUED UNDER SECTION 34 OF THE REVENUE RECOVERY ACT.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

O.P. NO. 10906 OF 2003

Dated this the 6th day of December, 2007

JUDGMENT

Petitioner is challenging recovery proceedings for recovery of motor transport workers welfare fund contribution demanded for three workers during the year 2000-01. Standing counsel submitted that demand for three years 1995-1998 was contested by the petitioner, which led to Ext.P1 order of the Government, whereunder the Government allowed the appeal in part but held that demand could be raised for three workers, namely, Sajid, Sageer, and Majeed who are respondents 5 to 7 in this O.P. Petitioner's case is that these persons are close relatives of the petitioner. From the initials it appears that respondents 5 and 6 are the brothers of the petitioner. Petitioner is stated to have closed the business in 2001. Even though standing counsel submitted that petitioner paid wages to his relatives, including his brothers, I do not think petitioner can be compelled to pay contribution, if his close relatives, namely, respondents 5 to 7 are not registered workers. In the circumstances, second respondent is directed to verify whether respondents 5 to 7 are registered workers, and if they

are registered workers, demand will stand confirmed for 2000-01 and recovery can be made. If respondents 5 to 7 are not in the rolls of the beneficiaries in the register maintained by the second respondent, then demand will stand cancelled.

O.P. is disposed of as above.

(C.N. RAMACHANDRAN NAIR)
Judge